

REMARKS/ARGUMENTS

First, Applicants wish to thank the Examiner for the courtesies extended in allowing Applicants the opportunity to conduct the Examiner Interview on January 7, 2004. The Final Office Action of September 23, 2003, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-34 remain pending.

Claims 1-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Adan et al. (U.S. Patent No. 6,373,047, hereinafter referred to as *Adan*) in view of Katrinecz, Jr. et al. (U.S. Patent No. 6,199,996, hereinafter *Katrinecz*) and Duphorne (U.S. Patent No. 6,212,265, hereinafter *Duphorne*). Applicants respectfully traverse this rejection.

As agreed to by the Examiner during the Examiner Interview and shown in the Interview Summary, the combination of *Adan*, *Katrinecz*, and *Duphorne*, either alone or in any combination, fails to teach or suggest the claims. Necessarily, the Examiner has agreed to withdraw the rejection.

In response to the request of the Examiner during the Examiner Interview and to further expedite prosecution, Applicants concurrently submit herewith a declaration of the inventors under 37 C.F.R. § 1.131. Based on this declaration of the inventors, Timothy A. McDonough, Carl J. Ledbetter, Robert Scott Plank, Steven W. Fisher, Steven T. Kaneko, and Steven Bathiche, Applicants will antedate the reference "ELFSYSTEMS-Shareware Developers, IdiotLight98 <http://www.elfsystems.com/>, May 23, 2000, 4 sheets selected pages" (hereinafter referred to as *ELFSYSTEMS*), as identified in Applicants Information Disclosure Statement filed March 15, 2001, by establishing a date of invention prior to the date to which the *ELFSYSTEMS* reference lists a public release of its product. Thus, any considered rejection applying this reference has been preemptively mooted by the filing of the attached declaration. Should the declaration fail to satisfy the requirement to antedate the *ELFSYSTEMS* reference, Applicants reserve the right to traverse the *ELFSYSTEMS* reference on the merits and/or to supplement the declaration. Accordingly, Applicants submit that *ELFSYSTEMS* does not constitute prior art to the claims.

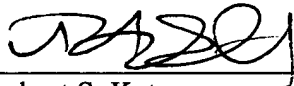
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Reply to Final Office Action of September 23, 2003

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. No fee is believed due, however, if any fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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